UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/SR.9
28 March 1991

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 4 February 1991, at 10 a.m.

Chairman: Mr. VASSILENKO (Ukrainian Soviet
Socialist Republic)

later: Mr. BERNALES BALLESTEROS (Peru)

later: Mr. AMOO GOTTFRIED (Ghana)

CONTENTS

Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

Statement by the Minister for Foreign Affairs of Sweden

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session

GE.91-10347/3046B

The meeting was called to order at 10.30 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1991/6, 7, 8, 60, 61, 62, 65; A/45/3, 13 and Add.1, 35 and Corr.1, 84, 306, 503, 576, 595, 608-614 and 726)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1991/13 and 14; E/CN.4/1991/NGO/2, A/45/488)

1. Mr. KOUTCHINSKI (Ukrainian Soviet Socialist Republic) said that the tragic developments in the Gulf and the consequent hardening of tension in the Middle East as shown in the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/45/35), were all the more regrettable in view of the many favourable changes that had taken place in the world in 1990. All the relevant information received from various sources, including governmental and non-governmental organizations and various United Nations bodies, showed that the situation of the Palestinians in the occupied territories had worsened still further. In its latest report (A/45/576), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories gave a full picture of the many human rights violations committed by Israel in those territories. The persistent refusal of the Israeli occupation authorities to recognize and guarantee the human rights of the Palestinians, particularly their right to self-determination, closed the way to any just and lasting solution of the Palestinian question and thus of the Arab-Israeli conflict as a whole. His country was further concerned at the strengthening of repression against Palestinians suspected of taking part in the intifada, and at the imposition in the territories, since the beginning of the Gulf War, of a very strict curfew which created additional difficulties for the Palestinian population. The continued massive immigration to Israel of Jews from Eastern Europe, including the Ukraine, and their establishment in Jewish colonies set up in the territories, gave rise to further concern. In that connection, measures could not be taken at the national level to respect the inalienable rights of a people if those measures were contrary to the equally inalienable rights of other persons. Such action could certainly not help to solve the Palestinian problem.

2. His country had consistently and on several occasions expressed in various United Nations bodies, particularly the General Assembly, the Security Council and the Commission on Human Rights, its support for a settlement of the Arab-Israeli conflict that would fully satisfy both parties. The intransigence of the Israeli Government and its refusal to enter into dialogue with the PLO could only increase the difficulties and impede the efforts made in particular by the United Nations to solve the Middle East problems by diplomatic means and guarantee the inalienable rights of the Palestinian people, including its right to create a sovereign and independent State. The maintenance of the status quo, i.e., of Israel's presence in the occupied territories, could have extremely serious consequences for all States in the region, including Israel, and for international peace and security. Since the situation had become even more complicated as a result of Iraq's aggression against Kuwait, it was essential to reach a political solution to all the problems in the Middle East, and that would require a dialogue between the parties concerned, the implementation of United Nations resolutions on the

question and the convening, under United Nations auspices, of an international peace conference in which all parties to the conflict, including the PLO and the five permanent members of the Security Council, would participate.

3. Mrs. QUISUMBING (Philippines) said that the lack of substantial progress in the efforts made over the past 23 years to help the Arabs and Palestinians in the territories occupied by Israel since 1967 to find lasting peace and to secure the full enjoyment of their inalienable rights must not lead to a loss of hope that that objective would one day be attained. The collapse of the Berlin wall, the first steps towards the restoration of peace in Cambodia and the elimination of tension in other parts of the world proved that peace could prevail even in apparently the least conducive conditions.

4. The applicability of the Fourth Geneva Convention to all the Arab and Palestinian territories including Jerusalem, occupied by Israel, had been reaffirmed on many occasions by the Commission, which acted, as it were, as the spokesman for the conscience of mankind on human rights issues. The time had come for Israel to heed the repeated appeals the Commission had made to it over the years and at last end the sufferings of the people of the occupied territories. The situation of the Palestinians, in particular, had sharply deteriorated over the past year because of the harsh measures used by the occupying forces to put down the intifada - measures that had been universally condemned. A lasting solution must be sought, as a matter of urgency, to the Palestinian problem and to the conflict provoked by Israel's occupation of the Syrian, Lebanese and Jordanian territories. Her country therefore supported the convening of an international peace conference under United Nations auspices and on the terms and conditions prescribed in General Assembly resolution 44/42, with a view to reaching a political settlement of the conflict and ensuring respect for the sovereignty, territorial integrity and political independence of all States in the region, including Palestine and Israel, and their right to live in peace within secure and internationally recognized boundaries. Her delegation appealed to all who were opposed to such a conference to reconsider their position in the interest of the Palestinians and Israelis so that they could all at last co-exist in peace.

5. The United Nations had consistently promoted the right of peoples to self-determination, and its successful work, in the case of Namibia, should be welcomed. It was regrettable that its efforts had not also borne fruit more recently, following Iraq's occupation of Kuwait, but the United Nations must continue its action to put an end to the current war. The Organization had also fortunately made some progress in its quest for means of ensuring respect for the human rights and fundamental freedoms of the Cambodian people, particularly its right to self-determination, and her delegation welcomed the establishment of the framework for a comprehensive political settlement of the Cambodian conflict, endorsed by the Security Council in resolution 668 (1990). In accordance with that resolution, her delegation urged all the parties to the conflict to show the maximum self-restraint so as to create the climate of peace needed to pave the way for the formulation and implementation of a comprehensive political settlement. She hoped that the Paris Conference would shortly be reconvened to enable it to work out and adopt such a settlement and to draw up a detailed implementation plan, in accordance with the framework envisaged.

6. Mr. CAETANO JOAO (Observer for Angola) said that his country had frequently had occasion to condemn Israel's practices in the territories it had occupied since 1967, which were an affront to human dignity and a violation of international human rights standards; and its refusal to implement the relevant United Nations resolutions. It therefore associated itself with all the efforts made by the international community, through the United Nations, to put an end to those crimes.

7. Under international law, respect for human rights must be based on universal equality - a principle which Israel completely failed to respect. His delegation appealed to the Israeli Government to comply with the United Nations resolutions on the inalienable right of the Palestinian people to self-determination, and it was in favour of the convening of an international conference on the Middle East, under United Nations auspices and with the participation of Israel and the PLO, with a view to the establishment of a Palestinian State. It was a matter of urgency to find a definitive solution to the Middle East problem, and that was all the more essential since the starting of the Gulf war had merely compounded the already difficult situation in the region. Angola had condemned Iraq's invasion and annexation of Kuwait, since it had consistently deplored the use of force as a means of resolving conflicts.

8. Angola, which had always considered that the exercise of the right to self-determination should be completely free, could only regret that the people of East Timor was unable to exercise that right, and it therefore once again urged the international community, the United Nations, and particularly Portugal, to seek the ways and means needed to solve the situation that had been imposed on that people.

9. Angola, which had unconditionally supported Namibia's independence, would also continue to support the efforts to find a peaceful solution to the internal conflict in South Africa. The international community was duty bound to encourage the reforms undertaken by Mr. De Klerk's Government to bring about the abolition of the anachronistic apartheid system. Angola was confident that all the decisions to be adopted by the Commission at its forty-seventh session would take account of the wishes of the peoples of Palestine, East Timor and South Africa and of all who awaited resolute action by the international community.

10. His delegation congratulated the Chairman of the Commission on his first-rate and objective report on the question of the use of mercenaries (E/CN.4/1991/14), and supported the recommendations made in that report.

11. Mr. PAGAC (Czechoslovakia) recalled that the right of peoples to self-determination was a fundamental collective right, set forth, moreover, in article 1 of the two International Covenants on Human Rights. However, ancient, modern and even contemporary history abounded in examples which attested to the dire consequences stemming from the denial of that right. The right to self-determination did not just mean the right of peoples to free themselves from oppression and to gain political independence, nor was it an abstract concept. It was much broader in scope and could be exercised only in a context of democracy and respect for all human rights and all fundamental freedoms. It had been shown that under authoritarian and totalitarian régimes which flouted human rights and the dignity of the human being, it became a fiction.

12. His delegation welcomed the profound changes that had taken place in 1990 in the countries of Central and Eastern Europe, and the trend towards democracy in other parts of the world, and it particularly welcomed the reunification of Germany after 40 years of enforced separation. Unfortunately, events currently taking place in the world showed that nothing had yet been gained, that the international community's objective was far from being achieved and that in many countries the right to self-determination had not as yet been realized. Iraq's military occupation of Kuwait was incompatible with the fundamental principles of international law, and his delegation was particularly concerned at allegations that innocent civilians had been tortured and executed under that occupation. His delegation had already commented on the fate of the Palestinian people under agenda item 4. It renewed its appeal to the international community to take steps, as soon as the Gulf War had ended, to guarantee the inalienable right of the Palestinians to self-determination.

13. Czechoslovakia also hoped that there would be favourable developments in such countries as South Africa, Afghanistan, Cambodia, Sri Lanka and Myanmar. The right to self-determination was a prerequisite for the establishment of friendly relations among nations. It was also one of the principles set forth in the Charter of the United Nations and in all international human rights instruments adopted thereafter. Czechoslovakia therefore supported any efforts made to settle disputes by peaceful means, even though it was aware of the difficulties of such an undertaking.

14. His delegation shared the view expressed by the Chairman in his introductory statement that, contrary to what Hobbes had said, war was not a state natural to man. It preferred the teaching of Comenius that the wisdom of nations was not expressed by the power of weapons. One should work to bring about a world in which the concepts of peace and independence were based on a freedom which, as defined by Nietsche, revealed itself as the will to be responsible to oneself. From that viewpoint, the oppressed nations were not just those that were prevented by force from exercising their human rights but also those which were deprived by force of responsibility for their own destiny. The peoples of Czechoslovakia had had the bitter experience of being in that situation, and they therefore welcomed the objective tendency of the world to rid itself of the Hobbesian doctrine. They also understood the efforts of all those - whether in the West, in the Baltic countries or elsewhere - who were striving to decide the destiny of their nation.

15. Mr. SEZAKI (Japan) recalled that one of the most important missions of the United Nations was to promote respect for the right of everyone to equality and freedom without distinction as to race, sex, language or religion. More than 20 compulsory human rights treaties were currently in force, and the efforts made by the United Nations to eliminate racial discrimination and promote human rights and fundamental freedoms were praiseworthy. However, some peoples, for instance in South Africa, Afghanistan, Cambodia and occupied Kuwait, were still subjected to intolerant and discriminatory treatment.

16. The policy of apartheid in South Africa denied the majority of the inhabitants their basic human rights and fundamental freedoms. The continuation of that policy was wholly unacceptable. His delegation welcomed the favourable developments taking place in that country, which offered a prospect for a peaceful and negotiated solution.

17. It was very opportune that the question was under discussion, since, in his opening address before the South African Parliament on 1 February, President De Klerk had expressed his firm intention of completing the reform process begun a year earlier. The meeting between Mr. Mandela, the Deputy-President of the African National Congress (ANC), and Chief Buthelezi, the head of the Inkhata Movement, who had called for an immediate end to violence among their supporters and for a quest for peace within the black community, was also to be welcomed.

18. With respect to Afghanistan, one should not forget that internal fighting continued to tear the country apart. Japan had always emphasized that true stability could not be achieved without the establishment of a Government that genuinely reflected the popular will. Japan was closely concerned in the question of refugee repatriation, as was shown, for example, by its contributions to the Office of the Co-ordinator for United Nations Humanitarian and Economic Assistance to Afghanistan. His Government sincerely hoped that peace and stability would shortly be restored in that country and that the refugees would soon be able to return to their homes.

19. With respect to the conflict in Cambodia, which had constituted the primary destabilizing factor in the region, the efforts made to reach a comprehensive political settlement at the international, regional and national levels among the principal parties concerned must be borne in mind. Japan had taken an active part in the peace process, for example, by hosting, in June 1990, the Tokyo Meeting on Cambodia, in an effort to promote a dialogue among the Cambodian parties themselves. The momentum for peace was now building up with the formulation of the draft agreements on a comprehensive political settlement, which had been prepared by the two Co-Chairmen of the Paris Conference and by the permanent members of the Security Council, with the co-operation of a number of other countries concerned and of the United Nations Secretariat. His delegation sincerely hoped that the Paris Conference would be convened as soon as possible, so that peace, freedom and democracy could shortly be restored in Cambodia.

20. His Government could not but condemn Iraq's invasion and annexation of Kuwait, which was a most outrageous violation of the principle of self-determination, as set forth in the Charter of the United Nations. Moreover, the Iraqi authorities had taken no notice of a series of Security Council resolutions - an attitude which had brought about disastrous and well-known consequences. His Government deeply regretted that the efforts of the international community to find a peaceful solution had been unsuccessful.

21. Japan had also participated in the international efforts by providing material and equipment and medical and financial assistance to the multinational forces in the Gulf, as well as economic assistance to the States in the region that had been most seriously affected by the crisis. It was also providing medicine and food and other assistance to the many people who had unfortunately been made refugees by the conflict.

22. His Government would continue to support the international community in its efforts to promote human rights, and the right to self-determination in particular.

23. Mr. Bernales Ballesteros (Peru) took the Chair.

24. Mr. ZAFAR (Pakistan) recalled that his Government had welcomed the signing of the Geneva Accords in April 1988 and the withdrawal of foreign forces from Afghanistan. However, peace had unfortunately not yet been restored in that country. The Geneva Accords had addressed only the external aspects of the problem. The framework for an internal settlement had been provided by General Assembly resolutions which had been patiently negotiated and then adopted by consensus over the past few years and which called for the establishment of a Government acceptable to the people of Afghanistan, the voluntary return of over 5 million Afghan refugees in safety and honour, and the free exercise of the right of the people of Afghanistan to choose their own form of Government. Pakistan remained fully committed to a political settlement of the Afghan question along those lines.

25. The protracted and valiant struggle of the Palestinian people against Zionist occupation and for the restitution of their national rights had won the admiration of the world community. The Pakistani authorities condemned the atrocities committed by the Israeli forces in an attempt to suppress the intifada.

26. It also condemned the illegal Israeli policy of establishing settlements by expropriating the lands of the Palestinians and changing the demographic nature of the occupied Arab territories, in defiance of the relevant resolutions adopted by the United Nations.

27. Pakistan had always supported and would continue to support, the just struggle of the Palestinian people. The Government of Pakistan was convinced that the solution of the Middle East problem would remain elusive without total Israeli withdrawal from all occupied Palestinian and Arab territories, the restitution of the right of the Palestinian people to self-determination, and the establishment of an independent State of Palestine with Al-Quds as its capital and under the leadership of the PLO, the sole legitimate representative of the Palestinian people.

28. The apartheid régime also repudiated the principles of the Charter of the United Nations and the Universal Declaration of Human Rights. That régime permitted legalized discrimination against the majority of the South African population and was therefore totally unacceptable. Apartheid was a matter of shame to the world's conscience and the fact that it continued to exist gave grounds for believing that the world bodies seemed to have adopted the wrong priorities.

29. Nevertheless, his Government welcomed the positive changes that had taken place recently in South Africa: the release of leaders of the African National Congress (ANC), legalization of some political organizations, repeal of some apartheid laws and regulations, and the beginning of a dialogue between the South African Government and the African National Congress. However, those changes should not deflect the international community from its goal, which was the complete eradication of an abhorrent system of Government. His delegation therefore considered that the international community must maintain the sanctions until the Pretoria régime had entirely dismantled the structure of apartheid.

30. Furthermore, Pakistan welcomed the adoption by consensus of the resolution on Cambodia at the most recent session of the General Assembly. He hoped that the resolution and the efforts of the ASEAN countries would make for an amicable and durable settlement of the problem, thus fully satisfying the Cambodian people's right to self-determination.

31. Like many other members of the United Nations system, Pakistan was actively involved in efforts aimed at promoting international peace and security. His Government hoped that the process of negotiation, consultation and dialogue, which had produced results in some parts of the world, would also help to bring peace and prosperity to other regions.

32. Mr. DUHS (Sweden) noted that some of the efforts made since the previous session of the Commission to try to find a peaceful solution to the Cambodian conflict had borne fruit. His Government welcomed in particular the decision taken in September 1990 at Jakarta to accept the agreement concluded at Paris by the five permanent members of the Security Council for a political solution.

33. Although the situation seemed at the present time to be less clear, his delegation still hoped that the new initiatives recently taken would give new impetus to the dialogue; his country fully supported the efforts made along those lines.

34. The independence, sovereignty and territorial integrity of Cambodia must be restored and preserved; the Cambodian people must be able to decide their own future; lastly, there must be no return to the universally condemned policies and practices of the past.

35. While deploring the fighting that was continuing in Cambodia, his delegation welcomed the new initiatives aimed at enhancing the role of the United Nations in the peace process.

36. Mr. ROMA DE ALBUQUERQUE (Portugal) made a statement on agenda item 9. He noted first of all that no one challenged the right of peoples to self-determination and that some writers even regarded it as coming under jus cogens. As had been pointed out, that right was not extinguished when it was used for the first time, in other words, it belonged permanently to all people. It was exercised by means of choices which concerned all fields - political, economic, social and cultural - and which should be made, as stated in article 25 of the International Covenant on Civil and Political Rights, through genuine periodic elections held in such a way as to guarantee the free expression of the will of every citizen. Furthermore, the right to self-determination was considered a pre-condition to the effective enjoyment of other human rights.

37. From the historical standpoint, it was true that the right to self-determination had been applied primarily to colonial territories. However, the application of that same right to situations of invasion or foreign occupation of a territory was indisputable, as was clear from the wording of agenda item 9. There had been and still were situations where the right to self-determination was flouted. However, the strength of the principle had been demonstrated even in such situations, for those who violated it had frequently invoked it in order to be in a position to suppress

it. Cases in point had been the occasion of the invasion of Afghanistan and that of Cambodia, where, fortunately, positive developments were now taking place, due largely to the firm reaction of the international community and the active participation of the United Nations system in the settlement of those problems.

38. Unfortunately, a situation which concerned Portugal more especially and which had not undergone such a change was that of East Timor, where the people were still denied, by force, the exercise of the right to self-determination. Nevertheless, there was no doubt concerning the applicability of that right to the Timorese people. However, there, too, that right was invoked the better to suppress it. His delegation had already had an opportunity at previous sessions to show that by invading the territory in December 1975 and annexing it subsequently, Indonesia had brutally prevented the people of East Timor from exercising the right to self-determination. It would confine itself to recalling several facts which would make it easier to understand the problem.

39. After the revolution of 25 April 1974, Portugal had accepted the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted in 1960 by the General Assembly in its resolution 1514 (XV). Consequently, all Portuguese colonies, including Timor, which had become non-self-governing territories within the meaning of Article 73 of the Charter, had been able, upon the completion of the decolonization process undertaken by Portugal, to accede to independence: that had been the case for Guinea-Bissau, Cape Verde, Sao Tomé and Principe, Angola and Mozambique. With regard to East Timor, the same process had been implemented with the sole intention of creating conditions which would guarantee the free choice by the Timorese people, of its political status. Indonesia had recognized at that time, at least in words, that the Timorese people had the right to self-determination and had declared that it had no territorial claims on Timor.

40. On 7 December 1975, Indonesia had invaded the territory, claiming that those involved were only "volunteers" who were going to assist the supporters of integration placed in a difficult position by those in favour of independence. In an attempt to legitimize that action, a "provisional Government" had been installed. Unfortunately, the international community was only too well acquainted with invasions disguised as "voluntary assistance" or recourse to a "provisional Government", which could be described as "made to measure". After claiming, in February 1976, that the "volunteers" were beginning to withdraw from the territory, Indonesia had organized on 31 May 1976 a non-elected "popular assembly", composed of 37 members, who, according to it, had approved a petition calling for the integration of Timor into Malaysia. Indonesia considered that, by that act, the people of Timor had exercised its right to self-determination. For Portugal and for the United Nations, that act in no way represented the will of the Timorese people. Furthermore, the fact that the people of East Timor continued to resist and to demonstrate openly in favour of its usurped rights - and, that, even after 15 years of virtually silent suffering because of the isolation imposed on the territory - was sufficient reason to state that the so-called act of self-determination had no validity whatever.

41. His delegation wished to stress that it was not the result of the integration decision which was at issue, for Portugal had always declared that it had accepted the choice, even if it was integration, if it was freely

expressed by the people of Timor. What was at issue was the application of the principle that peoples had to determine freely their political status, without any foreign pressure or interference. The United Nations had acknowledged, in General Assembly resolution 1541 (XV), that a non-self-governing territory could decide in favour of integration with an independent State through the exercise of the right to self-determination, but it had done so by laying down a number of conditions to ensure that the choice could be regarded as valid. He quoted section IX of the resolution: "The integrating territory should have attained an advanced stage of self-government, with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes. The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes".

42. The question which arose was whether those principles had been respected in Timor. Even if consideration was given to the facts in the version of the Indonesian Government the response was still negative. Indeed, the United Nations resolution said that the territory which chose integration should previously have attained an advanced stage of self-government with free political institutions. According to the Indonesian Government, that had not been the case of Timor, since it had stated that "after more than 400 years of Portuguese colonialization in East Timor, there had been no gradual decolonization process or the slightest attempt to give the territory a solid governmental and administrative infrastructure". How could the people of Timor have been able to choose its political status freely and democratically if it did not have, according to Indonesia, genuine governmental or administrative structures, if it had been in the midst of a widespread civil war, also according to Indonesia, and if it had been subjected to foreign military intervention?

43. With regard to the principle of universal suffrage, which must be respected in accordance with the United Nations resolution, it had not been respected, since the Indonesian Government itself said that the integration had taken place "according to the traditional methods of the Timorese". Was it possible to accept an act of self-determination exercised in such conditions and, moreover, organized and controlled exclusively by Indonesia? Portugal did not regard itself as the sole judge in the matter; it was rather for the international community to make a judgement, which it had already done. By resolution 384 (1975) adopted unanimously, the Security Council had condemned the intervention of the Indonesian armed forces in East Timor and called for the immediate withdrawal of all Indonesia's forces. By resolution 389 (1976), it had renewed that demand. The General Assembly had, on 1 December 1976, expressed its views in resolution 31 (53), and had rejected the allegation that East Timor had been integrated with Indonesia in so far as the population of the territory had been unable freely to exercise its right to self-determination and to independence.

44. The Indonesian Government, over the years, had staked everything on the strategy of force and fait accompli. It expected that the international community would forget what had actually happened and that the carrot and stick policy which it tried to follow made the idea of integration acceptable

to the Timorese. However, that policy had failed in two respects. On the one hand, the Indonesian Governor of East Timor had himself recognized that more than 100,000 persons had died between 1975 and 1985 as a result of the violence, famine and diseases which had ravaged the territory. Amnesty International spoke of 200,000 deaths, in other words one third of the population, a figure that spoke for itself. Furthermore, the economic development measures, the money spent and the material progress introduced by the occupier had not succeeded in convincing the Timorese or in preventing them from demonstrating even more against the illegal status quo.

45. It was primarily the young - who had virtually not lived under the Portuguese colonial régime - who called for the withdrawal of the occupation forces and for independence. His delegation recalled in that connection the events which had taken place following the visit by the Pope in autumn 1989 and, more recently, in September and October 1990. Some claimed that it was only temporary economic problems such as unemployment which drove the young people to demonstrate against the occupier. However, if the problem was only economic, was it not strange that there was a call for independence in order to resolve it?

46. His delegation thought that the situation revealed the fact that, without respect for the right to self-determination, it was impossible to respect the other human rights fully and to promote economic and social development. Moreover, the Governor of East Timor had allegedly recognized, according to a France Presse dispatch of 30 October 1990, that Indonesia's policy towards the former Portuguese province was a failure and that what the Timorese wished was to recover their dignity. According to the same dispatch, 75 per cent of the jobs in East Timor were held by non-Timorese. Even if that figure was exaggerated, it revealed a situation confirmed by other reports.

47. More recently, the world had been shocked by Iraq's invasion of Kuwait. Portugal had always been opposed to the illegal invasion and occupation of East Timor and had denounced the flagrant violation of international law which they constituted. It had pointed out that the forcible annexation of a neighbouring territory, which was small and defenceless, represented a serious threat and a precedent with unforeseeable consequences for the entire international community. The world had recently seen to what extent that warning had been warranted. The firm and immediate reaction of the United Nations, in particular the Security Council, to the annexation of Kuwait therefore merited the full support of Portugal, which welcomed that response of the international community. However, it must be borne in mind that there should be no selective application of principles by adopting a double standard, since that would harm the credibility of the United Nations system and the confidence which it should instil in the peoples of the entire world, which were the basis of respect for the standards of international life.

48. The Portuguese Government was ready to consider any approaches that could lead to a comprehensive solution of the problem, i.e. a just and internationally acceptable settlement, which took due account of the legitimate rights and interests of the Timorese people and was in accordance with the principles of the Charter of the United Nations. Portugal spared no efforts in the quest for such a solution and it was doing so primarily through its co-operation with the Secretary-General of the United Nations, to whom it paid a tribute for the talent, patience and determination with which he was discharging the mandate entrusted to him by the General Assembly.

49. Ms. ANDREYCHUK (Canada), speaking on agenda item 4, said that a lasting improvement in the human rights situation in the occupied territories could contribute substantially to a positive environment for a negotiated political settlement of the conflict between Israel and its Arab neighbours, including the Palestinians of the occupied territories, on the basis of Security Council resolutions 242 (1967) and 338 (1974). The Canadian Government had repeatedly stated that it strongly supported Israel's right to security and recognition as a State; those rights were not in question in the current debate. However, because of the long-standing bond of friendship between Israel and Canada, based on their shared values, the Canadian Government felt compelled to express its deep concern about the continued violation of the human rights of Palestinians in the occupied territories.

50. The Canadian Government strongly believed in the inherent dignity of every human being, and wished to see the principles of international law to which it subscribed upheld by all parties. Canada, which was a High Contracting Party to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, had repeatedly stressed to Israel, which was also a party to the Convention, the need to apply all its provisions in the territories which it had occupied since 1967. Canada repeated that appeal now.

51. In monitoring the human rights situation in the occupied territories during the past year, Canada had taken note of the reports of the United Nations Secretary-General, the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, each of which bore the responsibility for a particular aspect of the situation in the West Bank and the Gaza Strip. Those reports, soberly and painfully documented, confirmed Canada's own judgement that the Israeli authorities were continuing to commit specific and serious violations of the Palestinians' human rights.

52. It was a fact that, in the spring of 1990, the occupying authorities had adopted a new policy of avoiding unnecessary direct confrontations in the refugee camps and other densely populated areas in the West Bank and the Gaza Strip. The result had been a substantial drop in the number of victims, especially the number of deaths, in the period since then. At that time, Canada had welcomed the authorities' efforts to reduce tension, in keeping with the international humanitarian conventions.

53. However, in May and October 1990, at least two particularly serious incidents had taken place, when the relevant international agencies had counted hundreds of Palestinians wounded by live fire. On 8 October 1990, the Secretary of State for External Affairs of Canada had condemned the violence of the incidents in East Jerusalem and had expressed Canada's serious reservations about the degree of force used by the Israeli authorities during the Temple Mount/Haram al-Sharif incidents. Canada was very concerned by the overall deterioration in the general atmosphere in the occupied territories during the past year. Extremists on both sides had committed acts of provocation which had caused the conflict to degenerate into bloody confrontations, and those who had encouraged violence and intolerance were partly responsible for some of the tension. In one such incident, a young Canadian woman had been killed on a Tel-Aviv beach by an act of terrorism. Canada condemned all such acts, whatever their source.

54. Such events emphasized once again the futility of the short-sighted policy of military occupation, which was powerless to quench the natural human desire for self-determination. In that context, Canada was particularly concerned about the growth of Israeli settlements beyond Israel's 1967 borders, particularly in East Jerusalem. The extension and proliferation of Israeli settlements in the occupied territories were not only contrary to international law, but also a dangerous source of tension and strife.

55. The outbreak of hostilities in the Gulf on 2 August had had a particular effect in the occupied territories and created a very volatile situation. Since 13 January, an entire population of 1,700,000 Palestinians had been under a strict curfew, unable to move freely and deprived of the possibility of earning their livelihood. That situation could not go on. Israel must exercise its responsibilities with the minimum of force necessary for the maintenance of public order, a task which, as Canada was aware, was an extremely complex one.

56. The current international situation presented particular dangers to both Palestinians and the Israeli population. As the Occupying Power within the meaning of the Fourth Geneva Convention, Israel had a duty to protect the Palestinians against any attacks which might have disastrous consequences. Canada had provided 10,000 gas masks, which were being distributed by UNRWA, and had offered practical assistance to Israel to help it to protect Palestinians from the threat of chemical warfare attacks by Iraq. It encouraged other members of the international community to do the same.

57. Finally, Canada was seriously concerned about the practice of "administrative detention", under which people could be arrested and imprisoned without trial or the opportunity to defend themselves against the charges laid against them. A respected human rights organization had told the Commission that about 14,000 Palestinians had been placed in administrative detention since December 1987. If the Israeli authorities had evidence to support their accusations, Canada urged them to present it to the Israeli courts - whose independence was well known - in public session. Canada was particularly concerned by the recent arrest, under the administrative detention procedure, of two Palestinian spokespersons, who were well known and respected figures. Such practices could only further impede a negotiated political settlement of the Palestinian issue.

58. Canada expressed its appreciation of the people and organizations who were working towards that solution and promoting the cause of human rights in the occupied territories. She was referring to the United Nations Secretary-General and his representatives, UNRWA and its staff, the ICRC, Canadian non-governmental organizations working in the region and the many Palestinians and Israelis who defended the cause of human rights and justice. She hoped that the combined effect of their strength of purpose and their respect for human dignity would help to build the future which all would wish for in that troubled region.

59. Mr. ROA KOURI (Cuba), speaking on agenda item 9, recalled that the right of peoples to self-determination was enshrined in Article 1 of the Charter of the United Nations, which stated that one of the purposes of the United Nations was "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

and to take other appropriate measures to strengthen universal peace". Article 2 of the Charter established an indissoluble link between the principle of self-determination, which was the foundation of international relations, and the other principles which were to guide the activities of the Organization and its members. In the Preamble to the Charter, the peoples of the United Nations declared their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women.

60. In the 1960s and the years immediately afterwards many peoples hitherto under the colonial yoke had been integrated into international life; that had opened up new prospects for the development of the principle of self-determination. It had been possible to define clearly the undeniable link, recognized in the Preamble and Articles 1 and 55 of the Charter, between the full realization of the principle of self-determination, on the one hand, and the possibility of ensuring the realization of human rights and fundamental freedoms, on the other hand. The Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in 1960 in resolution 1514 (XV), had been a milestone because it stated unequivocally that the subjection of peoples to alien domination and exploitation not only constituted a denial of fundamental rights in itself, but was also contrary to the Charter of the United Nations and was an impediment to the promotion of world peace and co-operation. Moreover, the Declaration defined the essence of the right to self-determination in the following terms: "By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

61. Despite the clarity of the Declaration, the debates conducted by the Commission on Human Rights on the right of peoples to self-determination in recent years had shown up a number of tendencies which called for some conceptual clarification. Some delegations, particularly those of Western countries, placed special emphasis on what they called "internal self-determination", an aspect which seemed to them to be the most important feature of the right to self-determination in the context in which it was considered by the Commission. The statement made by the United States delegation at the previous meeting had been a perfect example of that point of view. It was clear that such an interpretation not only disregarded or altered the actual title of the agenda item, but distracted attention from what should form the essence of the debate, namely the urgent need to eliminate once and for all any subjection to foreign domination and exploitation from international relations. Any such subjection impeded the exercise of the right to self-determination and inevitably led to massive violations of all human rights.

62. The current world situation by no means justified the attempts being made to modify the original meaning of the agenda item under discussion, since colonialism in its original form had still not been eliminated and instances of neo-colonialism and hegemony were becoming more flagrant. That did not mean that one should ignore the internal aspect of the right to self-determination, which Cuba considered to be particularly important. But no one State should dictate to another the institutional structure of the political organization of society or the way to promote its economic and social development, which should be consistent with the society's historical experience and cultural identity.

63. The same delegations had shown a second tendency during the Commission's debate: they had espoused the baseless hypothesis that there was only one way for peoples to enjoy the internal aspects of self-determination, namely to opt for so-called "representative democracy", together with "free and periodic elections", based on the unedifying principles of liberal democracy. Cuba could not accept such a premise, which was incompatible with the very essence of the right to self-determination and would reduce it to a caricature and a dead letter.

64. Colonialism in its traditional form was not yet a thing of the past, as shown by the case of Cuba's sister island, Puerto Rico, whose people were still unable to exercise their inalienable right to self-determination and whom Cuba would continue to support. The same was true of the brave Saharan people, who had passed without any period of transition from one form of colonialism to another in the mid-1970s. Cuba hoped that the Organization for African Unity and the United Nations would continue their joint efforts and that a negotiated settlement would be achieved as soon as possible. There was also an urgent need to resolve the current dramatic situation in the Middle East, on the basis of the restoration of the legitimate rights of the Palestinian people and the withdrawal of Israel from all the occupied territories, including Jerusalem, which was a precondition for any genuine and lasting peace in the region. Such a peace should be negotiated by means of an international conference under United Nations auspices, involving all the parties to the Arab-Israeli conflict. Another matter of urgency was the complete elimination of apartheid in South Africa - not a partial dismantling as was being proposed at present - and the establishment of a majority Government in the country. Finally, Cuba welcomed the independence of Namibia, to which it had made its own modest contribution along with fellow combatants from Angola and SWAPO, forcing South Africa to choose the path of negotiation.

65. The illegal invasion, occupation and annexation of Kuwait by Iraq, condemned by the entire international community, were unacceptable under international law, particularly for the third world countries, for whom they might well have serious consequences. The use of force to settle disputes between States was contrary to both the letter and the spirit of the Charter of the United Nations, and ought to be rejected in all circumstances; in the present case, moreover, it had offered third countries an excuse to fish in troubled waters. Since the beginning of the crisis, the United States of America had manoeuvred frantically, both inside and outside the United Nations, to establish its war machine in the Gulf.

66. As soon as resolution 660 (1990) had been unanimously adopted by its members, the Security Council - the supreme body responsible for the maintenance of international peace and security - had found itself in a situation in which it had been obliged to adopt a series of resolutions by which it had inexorably moved away from a peaceful solution and the unacceptable logic of war had been imposed upon it. Security Council resolution 678 (1990), against which Cuba had voted, gave the United States of America and its allies full powers to use force against Iraq, deviating from the machinery provided in the Charter for such cases. In fact, the war was taking place outside the United Nations sphere of influence, because it was not being conducted by the Military Staff Committee envisaged in the Charter, but by the Government of a single member State, which was conducting military operations without paying any attention to the body which was supposed to be in control.

67. The war, which was unnecessary and which had been imposed on the international community by undemocratic practices and manoeuvring within the Security Council, went far beyond the objectives expressly authorized by the Council, which were merely to restore the legitimate Government of Kuwait and the sovereign rights of its people, and had never envisaged the destruction of Iraq. Cuba was opposed to the invasion of Kuwait and the violation of its people's rights, but it could not tolerate the death of innocent children, women and old people, in Iraq or anywhere else. The founders of the United Nations had wished to save the world from the scourge of war, but not to impose upon it the peace of the cemetery. The Commission must speak out unequivocally in favour of the independence and sovereignty of the Kuwaiti people, but it must also speak out against the extermination of the Iraqi people and call for a peaceful settlement to the conflict, a settlement which the Security Council should begin to negotiate immediately in accordance with the Charter.

68. Mr. CHABALA (Zambia) said that the right of peoples to self-determination was proclaimed in Article 1, paragraph 2, of the Charter of the United Nations and in article 1 of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights. According to paragraph 1 of article 1 of the Covenants, "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". In exercise of that right, many States had achieved independence, and Frederick H. Boland, President of the General Assembly at its 1960 session, could already say that the General Assembly was becoming nearer in practice to what it was ideally: an Assembly fully representative of the whole human race.

69. The people of Namibia had recently exercised their right of self-determination. Namibia's independence had been a most significant event, both for the people of Namibia, for southern Africa, for the continent of Africa and for the international community as a whole. For the welfare of Namibia was a "sacred trust" of the United Nations. In that sense, its independence marked the fulfilment of that sacred trust on the basis of Security Council resolution 435 (1978). For the countries of southern Africa, the independence of Namibia had marked the end of South Africa's illegal occupation of the territory and the assumption of power by the South West Africa People's Organization following its victory in free elections. It had also been a significant step towards the elimination of military conflict, racial tensions and the violence destabilizing the region of southern Africa.

70. Zambia commiserated with the plight of the people in the occupied Arab territories, who had languished under the Israeli yoke for over 20 years. The Israeli occupation was detrimental to the exercise of the right of self-determination and other legitimate aspirations of the Palestinians. The views of his delegation expressed in the context of agenda item 4 applied equally to agenda item 9. Zambia called for Israel's immediate and unconditional withdrawal from the occupied territories. Security Council resolutions 242 (1967) and 338 (1973) offered a basis for a comprehensive solution of the conflict. Zambia recognized Israel's right to exist within secure boundaries, and reaffirmed the right of the Palestinian people to establish their own independent State.

71. Israel must also accept the applicability of the Fourth Geneva Convention to the occupied territories and desist from any measures that were in violation of the Convention, as requested by the Security Council in several resolutions. It must also cease deporting Palestinians from their own homeland. Zambia called on the Security Council to address the Palestinian issue with the urgency and seriousness that it deserved. Israel's Western allies must also exert pressure to ensure that it ceased to flout the will of the international community in complete impunity. Finally, Zambia called for the convening of an international peace conference on the Middle East, with the participation of all parties, including the Palestine Liberation Organization.

72. The situation in the Gulf was a matter for grave concern. Zambia maintained cordial relations with both Kuwait and Iraq, both of which were fellow members of the Movement of Non-Aligned Countries. In the context of its friendly and frank relations with that State, it had called on Iraq to withdraw its forces from Kuwait in accordance with the relevant Security Council resolutions, and had urged both States to resolve any outstanding differences between them through negotiations.

73. The Gulf crisis raised two questions of principle. On the one hand, any acquisition of territory by force, whether that of Kuwait or of any other State, was inadmissible, with the additional rider that the United Nations must not apply double standards in international relations. On the other hand, it was imperative that the Security Council resolutions on the Gulf conflict should be faithfully and scrupulously implemented. On that point too, it must be pointed out that the objectives of those resolutions were clear and categorical, and that the Gulf crisis must not be used to achieve military or other aims going beyond the withdrawal of Iraq from Kuwait.

74. Zambia had studied with keen interest the report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1991/14), a document prepared pursuant to Commission resolution 1990/7; it supported the report's conclusions and recommendations. The policy of apartheid was a cause of mercenary activity inside South Africa and in the front-line and other neighbouring States. The South African régime had used mercenaries to murder several representatives of the African National Congress (ANC) inside South Africa, in the neighbouring States of the region and in European countries. Following his election in 1989, President De Klerk had declared his willingness to order investigations into the involvement of the security forces in assassinations and acts of violence directed against members of the ANC and other anti-apartheid activists. The South African press had also begun to publish revelations confirming the active participation of mercenaries in criminal acts. However, the extent to which the allegations could be objectively investigated was limited, particularly as it had yet to be demonstrated that the South African régime would be able to take decisive measures to halt the use of mercenaries, or that it would have the courage to do so.

75. The success of the process of reform currently under way in South Africa was in no small measure predicated on the cessation of mercenary activities. His delegation fully endorsed the recommendation of the Special Rapporteur

that the mercenaries should be tried for their participation in criminal acts, and that paramilitary mercenary units working for extreme right-wing groups that used violence to oppose the political reforms under way in South Africa should be banned.

76. In Angola, the conflict continued as a result of the armed resistance waged by the rebel forces of UNITA against the Government, with the involvement of mercenaries. Zambia continued to call for an immediate cessation of foreign intervention in that conflict, notably the military and financial assistance extended by the United States of America. As the Special Rapporteur had pointed out, such a move would help to create a climate conducive to effective negotiation and political dialogue. It was important to encourage the process of national reconciliation in Angola, as well as the initiatives in favour of clemency and democratization envisaged by the Government. In the new post-cold war era, it was difficult to comprehend the rationale for United States intervention.

77. In Mozambique, the people had been unable to enjoy conditions of peace and the full exercise of the right of self-determination because of the military conflict between the Government and RENAMO, which had mercenaries in its ranks. As in the case of Angola, all member States must encourage the process of national reconciliation and the Government's proposals for internal democratization. External military assistance to the rebel guerrillas must cease. Peace negotiations between the Mozambican Government and RENAMO had recently been initiated. Zambia was one of the eight members of the Joint Verification Commission monitoring the cease-fire. It hoped that the negotiations would culminate in an agreement to guarantee peace to the people of Mozambique.

78. The Zambian delegation also reaffirmed its solidarity with the Governments and peoples of the Maldives and the Comoros, countries recently the victims of attacks by groups of mercenaries attempting to infringe their sovereignty and territorial integrity. It endorsed the recommendation of the Special Rapporteur underscoring the obligation to respect the territorial integrity of all States and to assist small States in cases where they requested such assistance from regional or international organizations or directly from another State.

79. With regard to Central America, Zambia supported the recommendation of the Special Rapporteur that the United Nations should maintain its presence in the region through the International Support and Verification Commission and the United Nations Observer Group in Central America, so as to contribute to the success of the demobilization and peace process throughout Central America.

80. His delegation also expressed its support for the courageous efforts made by the Government of Colombia in its fight against the violence perpetrated by the drug traffickers and their armed gangs, who were trained by foreign mercenaries.

81. Finally, Zambia hoped that the people of Western Sahara would be able to exercise its right of self-determination in accordance with the principles of the Charter of the United Nations and General Assembly resolution 1514 (XV).

It renewed its appeal for a just and comprehensive solution to the conflict, expressing the hope that the joint efforts of the Organization of African Unity and the Secretary-General of the United Nations would soon yield the desired results.

82. Mr. Amoo Gottfried (Ghana) took the Chair.

83. Mr. STEELE (Observer for the United Kingdom) made a statement in exercise of his right of reply in respect of the statement made by the representative of Iraq, who, at the afternoon meeting on Friday, 1 February, had replied to the statement made by the representative of Luxembourg speaking on behalf of the 12 member States of the European Community. The United Kingdom delegation wished to make known certain facts. There was no policy or practice of interning Iraqi civilians in the United Kingdom. On the other hand, the Iraqi Government had on several occasions threatened to launch a campaign of terrorism in the United Kingdom and elsewhere and indeed there had been explicit incitement to commit acts of terrorism. Given the Iraqi Government's insalubrious record in those matters, those threats and acts of incitement had to be taken very seriously. Accordingly, in the first fortnight of January, a small number of persons who there was good reason to suspect might engage in activities prejudicial to the security of the United Kingdom had been notified that the authorities intended to deport them. Under the procedures in force, the persons concerned could make representations against those measures, including representations before an independent panel presided over by a judge. Some Iraqis had initiated proceedings of that kind. However, pending the implementation or revocation of the deportation orders, it had been thought necessary, for obvious reasons, to place most of those concerned in custody. Needless to say, all those who wished to leave the United Kingdom of their own accord rather than be deported were free to do so, and several Iraqis had left the country voluntarily. No Iraqi civilian was being held in the United Kingdom against his will.

84. As from the outbreak of hostilities, all Iraqi citizens in the United Kingdom, whether or not they were being held in custody, had become protected persons under the relevant Geneva Conventions: civilians were protected under the Fourth Convention, and the military as prisoners of war under the Third Convention. Two military personnel were among those in custody at that time. The United Kingdom Government had promptly notified the International Committee of the Red Cross (ICRC). The latter had immediately requested access to the detainees and, on the same day as the request had been made, the United Kingdom Government had authorized access and offered ICRC its collaboration. An ICRC team had interviewed individually and in private all the Iraqis held in custody - namely, two prisoners of war and 63 civilians. The United Kingdom authorities had received the ICRC delegation at the beginning and at the end of its mission and had made clear the United Kingdom Government's determination to comply with its obligations under the Third and Fourth Geneva Conventions.

85. On 25 January a further 35 persons of Iraqi nationality had been placed in custody. They had been studying at British universities with the financial support of the Iraqi military attaché's department in London. All had been identified as Iraqi army officers, a fact which they had actually acknowledged. They were therefore being treated as prisoners of war. All prisoners of war

had been placed in military custody and were now at a prisoner-of-war camp. ICRC had been promptly informed when the persons concerned had been placed in military custody and at the time of their transfer. Capture cards would be forwarded to the ICRC.

86. The ICRC would be sending an inspection mission in February. It would again be able to meet all the prisoners of war and all the civilians held in custody. The needs of the families of all persons being held, whether prisoners of war or civilians, were being attended to by the British Red Cross, assisted where necessary by the relevant United Kingdom authorities and by the National Prisoner of War Information Bureau, which had been set up pursuant to the four Geneva Conventions and was responsible for receiving and transmitting information relating to prisoners of war.

87. British nationals and nationals of other countries in Iraq were being treated in quite a different way. Iraq had not given the ICRC access to captive allied servicemen. Iraq had not notified ICRC of their names. No Red Cross capture card had been sent to ICRC. No Red Cross form had been received. As far as was known, Iraq had not established a body equivalent to the British Prisoner of War Information Bureau.

88. If Iraq set any store by its legal obligations and by humanitarian requirements, it must discharge to the letter, without any reservation or condition, all its obligations under the Geneva Conventions.

89. In the statement which he had made on Friday, the representative of Iraq had referred to the islands which the Argentine delegation called the Malvinas and which the United Kingdom called the Falklands. If the representative of Iraq, in making such an entirely gratuitous reference, had hoped to attract sympathy for the sordid and brutal acts which its Government was committing in the Gulf, he had seriously misjudged the Commission's temper.

90. Mr. BLACKWELL (United States of America), speaking in exercise of the right of reply, responded to the statement made by the representative of Iraq at the afternoon meeting on Friday, 1 February. Declaring that the Iraqi Government's litanies of mistruths, half-truths and calumnies were now well known, he said that a categorical response would only waste the Commission's time. The 12 resolutions of the United Nations Security Council in whose name the war in the Gulf was being fought spoke for themselves and required no further elaboration. He congratulated the United Kingdom representative on his statement, which he supported and which made it unnecessary for him to comment any further.

91. Mr. CHADHA (India), speaking in exercise of the right of reply, expressed regret that the Pakistani delegation should have once again taken up the Commission's valuable time by raising an issue which was extraneous to its work and agenda - namely, the situation prevailing in the Indian State of Jammu and Kashmir.

92. Pakistan alleged that the people of Jammu and Kashmir was being deprived of its right to self-determination. However, the exercise of that right could have meaning only in the context of territories which were not self-governing. It could not be applied to territories which were integral parts of sovereign and independent States. The people of Jammu and Kashmir had, of its own free

will, wanted the territory to accede to India, and that accession was final and irrevocable. Pakistan was distorting the principle of self-determination and thereby striking at the very roots of the international order of nation States.

93. Like charity, respect for human rights began at home. India's record in that respect and in the application of democratic principles spoke for itself. On the other hand, Pakistan's violations of human rights in areas such as Sind and Baluchistan were only too well known. It was to be hoped that in future Pakistan would show the same concern for its own citizens as for nationals of other countries.

94. If there was currently a law-and-order problem in the State of Jammu and Kashmir, it was due to the fact that Pakistan was actively supporting and helping terrorists and secessionists operating within India's borders. It was paradoxical that Pakistan should claim to be defending human rights in Jammu and Kashmir and at the same time support the terrorists who were violating those very rights in a particularly brutal manner.

95. The disputes at issue between India and Pakistan could be considered only within the framework of the Simla Agreement. In that Agreement it was clearly stated that both countries were resolved to settle their differences through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pakistan was violating that commitment, but it was also acting contrary to another provision of the Agreement which provided that, pending the final settlement of any of the problems between the two countries, neither side would unilaterally alter the situation and both sides would prevent the organization or encouragement of acts detrimental to the maintenance of peaceful and harmonious relations, as well as the rendering of assistance for their commission.

96. The Indian delegation appealed to Pakistanis to stop interfering in the internal affairs of India and to join India in making the region a haven of peace and tranquillity.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

97. Mr. ANDERSSON (Minister for Foreign Affairs of Sweden) said that every human being was entitled to the rights set out in the Universal Declaration of Human Rights. Those rights, which derived from the inherent dignity of the human person, were inalienable and could never be bargained about, regardless of the political trends obtaining in a country at any given time. The really historic and revolutionary upheavals that had taken place over the past two years in many parts of the world indicated an increasing focus on the ideals of democracy, freedom and human rights.

98. The maintenance of national and international security, and therefore of peace, entailed respect for human rights. Numerous situations of tension and conflict had been specifically rooted in disregard for them.

99. That observation, which applied to all regions of the world, could nowhere be truer than in the Middle East, the cradle of so many civilized values. Was it not paradoxical that democracy and human rights were so fragile in precisely that part of the world?

100. For several years, reports of serious violations of human rights in Iraq had been submitted to the Commission. Seldom had a country shown such a flagrant contempt for human rights and international law. Now Iraq had invaded Kuwait, had broken the peace, and reports from Kuwait indicated that the worst atrocities were being committed.

101. The way in which Iraq was now behaving in wartime also bore witness to its contempt for international humanitarian law, with missile attacks against the civilian population in countries not participating in the war, the deliberate spilling of oil into the sea, threats to use chemical and biological weapons, and recourse to human shields. His Government considered that action must be taken by the Commission on the violations of human rights in Iraq.

102. A new Europe was emerging, and the success of the Conference on Security and Co-operation in Europe had amply demonstrated the essential role that respect for human rights played in matters of international security.

103. Against that background the events that had recently taken place in the Baltic Republics were particular sources of concern and dismay. In the Europe of 1991, military and paramilitary force had been used against peaceful and unarmed civilians. People had been crushed under tanks at Vilnius, and passers-by had been killed in the centre of Riga. The democratically elected Parliaments of the three Baltic Republics had been put under pressure from so-called "salvation committees", which had called for Soviet military intervention against the Parliaments and legitimate Governments of the Baltic Republics. Furthermore, the bloodshed had been preceded by various measures designed to restrict or to stifle freedom of information. In that connection, particular mention must be made of the activities of Soviet troops and other paramilitary units that had seized radio and television facilities, printing houses, newsprint storage facilities, etc.

104. The Swedish Government had strongly condemned those failures to respect basic human rights. Such acts were all the more deplorable because they had been carried out by a Government which claimed to adhere to international law as laid down in numerous international agreements and documents, most recently in the Charter of Paris.

105. The Swedish authorities considered that those matters clearly fell within the competence of the Commission on Human Rights. Also full respect for human rights in the Baltic Republics must necessarily include respect for the rights of minorities.

106. One of the purposes of the United Nations was to promote and encourage respect for human rights and fundamental freedoms. The Organization and its Member States must therefore be able, quite legitimately, to concern themselves with violations of human rights without being accused of interfering in the internal affairs of States. The Commission, in particular, had an obligation to consider serious violations of human rights in whatever country they occurred.

107. All countries had human rights problems. Sweden accepted its responsibility and complied with the judgements handed down, if necessary by changing its current legislation and practice. All Governments had to be prepared to answer to the international community for the human rights situation in their countries.

108. Latin America, Africa and Asia had seen positive changes conducive to democracy and greater respect for human rights. That trend deserved to be encouraged by all.

109. As societies became more open to the external world, they ran the risk of being confronted with ethnic, social or religious strife.

110. In order to reinforce new and still fragile freedoms, nations should further strengthen international co-operation in the field of human rights.

111. The international effort to promote human rights was not chanelled only through the United Nations. Governments too, must intensify their dialogue and co-operation with other human rights bodies, particularly with non-governmental organizations, whose contribution was indispensable. The promotion and protection of human rights was a vital part of Sweden's foreign relations. The Swedish Government was therefore pursuing an active policy in the human rights field both bilaterally and within the United Nations and other international forums, as well as with non-governmental organizations.

112. The promotion of democracy and human rights was an important element in Sweden's programme of co-operation for development, both in the dialogue with its partners and in actual work in the field. In addition, the Swedish authorities were emphasizing the promotion of economic, social and cultural rights, which, in the long term, also served the cause of civil and political rights. Human rights organizations working for the promotion and protection of civil and political rights also received support under the development aid provided by the Swedish Government.

113. The United Nations advisory services and technical assistance programme in the field of human rights had a great potential. It could supply assistance to Governments concerned about the validity of their actions. The importance of the work done by the Commission's rapporteurs, representatives and working groups must also be recognized.

114. The early entry into force of the Convention on the Rights of the Child was a clear proof of the international community's will to stress the specific nature of those rights and to enforce them. It was to be hoped that the Convention would encourage Member States and the relevant United Nations bodies to continue their work to improve the conditions of children throughout the world.

115. In short, greater efforts should be made to promote and protect human rights and to improve the capacity of the United Nations to respond promptly and effectively to all violations of them. That would require further resources and a strong political commitment.

The meeting rose at 1 p.m.